

REMARKS

I. INTRODUCTION

Favorable reconsideration of this application, in light of the present amendments and the following discussion, is respectfully requested.

II. STATUS OF THE CLAIMS

Claims 1-7 are pending with claim 1 being independent. By this amendment, claims 1-3 and 6-7 are amended.

Support for the amendment of claims 1-3 can be found, for example, in paragraph [0020] and Fig. 1 of the present application. Support for the amendment of claims 6-7 can be found, for example, in paragraph [0021] of the application. It is respectfully submitted that no new matter is added by this amendment.

III. SUMMARY OF THE OFFICE ACTION

In the outstanding Office Action, the Examiner advises that claim 7 will be objected to if claim 6 is allowable; claims 1-7 are rejected under 35 U.S.C. § 112, second paragraph; claim 1 is rejected under 35 U.S.C. § 102(b) as being anticipated by Kinoshita et al. (U.S. Patent No. 4,727,681); claims 2-4 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kinoshita et al.; and claims 5-7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kinoshita et al. in view of Nishikawa (U.S. Published Patent Application No. 2003/0009948).

IV. AMENDMENTS TO THE SPECIFICATION

The specification is amended to be consistent with the drawings and claims. Specifically, "stoppers" is changed to --at least one stopper-- or --stopper--. No new matter is added because the drawings show at least one stopper 5.

V. OBJECTION TO CLAIM 7

The Examiner advises that if claim 6 is found allowable, claim 7 will be objected to under 37 C.F.R. 1.75 as being a substantial duplicate thereof. Although Applicant respectfully submits that claim 6 is not the same as claim 7. For example, the term “attach” in claim 6 is not the substantially same as “fix” in claim 7. However, claim 7 is amended to depend from claim 2 to prevent the objection.

VI. THE REJECTIONS OF THE CLAIMS

A. Summary of the Arguments

The prior art rejections are respectfully traversed because independent claim 1 recites, among other elements, both “means for positioning the at least one stopper at an angle” and an “opening for assembling the at least one stopper.” They are two separate and different features of the support device. The prior art, including Kinoshita and Nishikawa, does not disclose, teach or suggest a support device having, among others, the two aforementioned elements. In Kinoshita, the support plate 5 has only one opening 27 for both assembling the end-plug 26 and positioning the end-plug 26. Thus, Kinoshita does not have the two separate elements: the means for positioning the stopper and the opening for assembling the stopper, as recited in claim 1.

Secondary reference Nishikawa discloses a pulley 28 directly attached to the rail 23. Nishikawa does not have a support device recited in claim 1, let alone a support device that has an opening for assembling the stopper and means for positioning the stopper at an angle. Thus, Nishikawa does not cure the deficiency of Kinoshita.

Accordingly, independent claim 1 is believed not anticipated by Kinoshita and not rendered obvious by Kinoshita in view of Nishikawa or any other prior art. Each of the rejections will be addressed in detail below.

B. The Rejection of Claims 1-7 under 35 U.S.C. § 112, second paragraph

Claims 1-7 are rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter. Specifically, the Examiner states that “the end” on line 8 of the claim 1 does not have sufficient antecedent basis. It appears that the Examiner refers to the original claim 1. However, claim 1 was already amended by the Preliminary Amendment submitted on March 10, 2006 to eliminate “the end” in line 8.

The Examiner also states that claims 1-3 are unclear as to whether the support device include multiple stoppers or one stopper. In response, the term “stoppers” in claims 1-3 and the specification has been amended to –stopper– or –at least one stopper–. Therefore, Applicant requests withdrawal of the rejection under 35 U.S.C. § 112, second paragraph.

C. The Rejection of Claim 1 under 35 U.S.C. § 102

The Office Action rejected Claim 1 under 35 U.S.C. § 102(b) as anticipated by Kinoshita. For the reasons discussed below, this rejection is respectfully traversed.

Claim 1 recites a pulley device for vehicle window lifters comprising, among other elements, a resolving pulley mounted on a support device, wherein the support device has, among other elements, (1) at least one stopper, (2) an opening for assembling the stopper, and (3) means for positioning the stopper at an angle. Thus, as recited in claim 1, the opening for assembling the stopper is a separate and different element than the means for positioning the stopper at an angle.

Kinoshita discloses in Fig. 1 an apparatus for securing wires of a pulley device in a glass window lifter. The Kinoshita apparatus includes a pulley 20 mounted on a support plate 5; an end-plug 26; and a wire 19 that goes around the pulley 20 and through the end-plug 26. Fig. 3a of Kinoshita shows that the support plate 5 has a T-shaped opening 27 for receiving

and securing the end-plug 26 thereto. Regarding the opening 27, the Examiner states in paragraph 8 of the Office Action that it is for assembling the end-plug 26 (interpreted as a stopper) at an angle.

In the rejection of claim 1, the Examiner asserts that the apparatus of Kinoshita has all the elements recited in the claim. However, such an assertion is respectfully traversed because Kinoshita does not have, at least, the “means for positioning the at least one stopper at an angle,” recited in claim 1. As discussed above, in claim 1, the opening for assembling the stopper and the means for positioning the stopper at an angle are two separate and different features of the support device. In contrast, in Kinoshita, the support plate 5 has only one opening 27 for assembling the end-plug 26 and for positioning the end-plug 26. As a result, the support plate 5 of Kinoshita does not have the means for positioning the stopper at an angle separate from the opening for assembling the stopper, as recited in claim 1. Simply put, one prior art element cannot be read on two claim elements.

Anticipation requires that every limitation of a claim must identically appear in a prior art reference. See *Gechter v. Davidson*, 43 U.S.P.Q. 2d 1030, 1032 (Fed. Cir. 1997). It is clear that the “means for positioning the at least one stopper at an angle” recited in independent claim 1 does not identically appear in Kinoshita. Absence from the prior art reference of any claimed element negates anticipation. See *Rowe v. Dror*, 42 U.S.P.Q.2d 1550, 1553 (Fed. Cir. 1997).

Therefore, Applicant respectfully requests reconsideration and withdrawal of the rejection of independent claim 1 under 35 U.S.C. § 102(b).

D. The Rejection of Claims 2-4 under 35 U.S.C. § 103

Claims 2-4 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kinoshita. The rejection of claims 2-4 is respectfully traversed because claims 2-4, being

dependent from claim 1, are believed to be allowable for the same reasons discussed with respect to claim 1 above.

Moreover, claims 2-4 include other features not found in the prior art, including Kinoshita. For instance, claim 2 recites that the lower extension of the tubular body of the stopper has a V-shape cross-section in order to prevent the tubular body of the stopper from being released from the flat member. In Kinoshita, the lower extension 36 of the end-plug 26 shown in Fig. 3a does not have a V-shape, as recited in claim 2. Rather, the lower extension 36 is flat and rectangular.

In the rejection of claim 2 (Office Action, page 3-4), the Examiner asserts that it would have been obvious for one skilled in the art to change the flat, rectangular extension 36 of the end-plug 26 in Kinoshita into a V-shape because such a change is a matter of design choice and has no special functional significance. Applicant respectfully disagrees with the Examiner's obviousness rejection because in the present application, the V-shape of the lower extension 7 of the stopper 5, shown in Figs. 1 and 4, prevents the body 6 from being released from the support device 3 (see paragraph [0023] of the present invention). Furthermore, there is no obvious reason or motivation to modify the rectangular shape of the extension 36 in Kinoshita to a V-shape when the rectangular shape of the extension 36 is already secured in the narrow hole 27b (see Kinoshita, from col. 3, line 63 to col. 4, line 13). Therefore, Applicant respectfully submits that it would not have been obvious for one skilled in the art to modify the rectangular extension 36 of Kinoshita to a V-shape cross-section, as recited in claim 2.

Claim 3 recites a plurality of holes into one of which a pivot extending from the tubular body of the stopper is inserted. In Kinoshita, there is only one hole 27 for the extension 36 of the end-plug 26 to insert. Thus, Kinoshita does not have a plurality of holes

as recited in claim 3. In the Office Action, page 4, the Examiner alleges that areas 27a and 27b in Fig. 3a of Kinoshita constitute a plurality of holes. Such allegation is misplaced because areas 27a and 27b are parts of one opening 27; the areas 27a and 27b are not two separate holes. It appears that the Examiner's allegation that areas 27a and 27b are two holes is a hindsight reconstruction of claim 3.

In view of the discussion above, Applicant respectfully requests the reconsideration and withdrawal of the rejection of claims 2-4 under 35 U.S.C. § 103.

E. The Rejection of claims 5-7 under 35 U.S.C. § 103

Claims 5-7 are rejected under 35 U.S.C. § 103 as unpatentable over Kinoshita et al in view of Nishikawa. For the reasons discussed below, this rejection is respectfully traversed.

Because claims 5-7 depend from claim 1, claims 5-7 are believed to be allowable for the same reasons set forth to claim 1 above. In addition, claims 5-7 recite additional features not found in the prior art. For instance, claim 5 recites that the support device has a positioning projection extending downward into a hole in the rail so that the support device does not turn around an axis of the pulley. In the rejection of claim 5, the Examiner argues that the screw in Nishikawa (see the figure on page 5 of the Office Action) is the positioning projection recited in claim 5. However, the screw in Nishikawa is not the positioning projection of claim 5 because the screw in Nishikawa is separate from the flat member (see the figure on page 5 of the Office Action) and for attaching the pulley 28 to the rail 23. The screw in Nishikawa is not part of the support device extending downwards into a hole in the rail, as recited in claim 5. In addition, the flat member of Nishikawa (as shown in the figure on page 5 of the Office Action) is soldered to the vehicle and does not turn around any axis. Therefore, the screw in Nishikawa is not for preventing the flat member from turning around an axis of the pulley, as recited in claim 5. As a result, Nishikawa does not cure the

deficiency of Kinoshita, and the combination of Kinoshita and Nishikawa fails to establish a prima facie case of obviousness against claim 5.

Claims 6 and 7, as amended, recite a rivet with a hole for attaching the pulley to the window rail. Support for such an amendment can be found, for example, in paragraph [0021] which states that the rivet 4 (having a hole) goes through the pulley 2, the support device 3, and the rail (not shown). In Kinoshita, the pulley 20 is attached to the support plate 5 (see col. 3, lines 26-27 of Kinoshita). The pulley 20 is not attached to the window rail as recited in claims 6-7. Furthermore, Kinoshita does not show the detail of how the pulley 20 is attached to the support plate 5, thus, Kinoshita does not disclose, teach or suggest a rivet with a hole for attaching the pulley to the window, as recited in claims 6 and 7.

In secondary reference Nishikawa, the pulley 28 is attached to the rail 23 by a screw (see the figure on page 5 of the Office Action). Thus, the pulley is not attached to the rail by a rivet with a hole, as recited in claims 6 and 7. Therefore, Nishikawa fails to cure the deficiency of Kinoshita.

Accordingly, the combination of Kinoshita and Nishikawa fails to establish a prima facie case of obviousness against claims 6 and 7. Applicant therefore respectfully requests the reconsideration and withdrawal of the rejection of claims 5-7 under 35 U.S.C. § 103.

VII. CONCLUSION

Consequently, in view of the foregoing discussion and present amendments, it is respectfully submitted that this application is in condition for allowance. An early and favorable action is therefore respectfully requested.

Please charge any shortage of fees or credit any overpayment thereof to BLANK ROME LLP, Deposit Account No. 23-2185 (0001058-00035). In the event that a petition for an extension of time is required to be submitted herewith and in the event that a separate petition does not accompany this report, Applicant hereby petitions under 37 C.F.R. §1.136(a) for an extension of time for as many months as are required to render this submission timely. Any fee due is authorized above.

Respectfully submitted,

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